

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

TECHNOLOGY INNOVATIONS, LLC

Plaintiff,

vs.

AMAZON.COM, INC., AMBRY
TECHNOLOGIES, INC., and
POCKETBOOK USA, INC.

Defendants.

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Case No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Technology Innovations, LLC (“TILLC”) brings this action against defendants Amazon.com, Inc. (“Amazon”), Ambry Technologies, Inc. (“Ambry”) and Pocketbook USA, Inc. (“Pocketbook”), and alleges:

THE PARTIES

1. TILLC is a limited liability company organized and existing under the laws of the State of New York, and the owner of the patent-in-suit, i.e., U.S. Patent No. 5,517,407 entitled “Device For Including Enhancing Information With Printed Information And Method For Electronic Searching Thereof.”

2. On information and belief, Amazon is a corporation organized and existing under the laws of the State of Delaware, having a principal place of business at 1200 12th Avenue, Suite 1200, Seattle, Washington 98122, has designated its registered agent for purposes of service of process as Corporation Service Company, 6500 Harbour Heights Parkway, Suite 400, Mukilteo, Washington 98275-4889, and is doing business in this judicial district and elsewhere in the United States.

3. On information and belief, Ambry is a corporation organized and existing under the laws of the State of Texas, having a principal place of business at 4404 Sunbelt Drive, Addison, Texas 75001-5129, has designated its registered agent for purposes of service of process as George Lee, 10830 Composite Drive, Dallas, Texas 75220-1210, and is doing business in this judicial district and elsewhere in the United States.

4. On information and belief, Pocketbook is a corporation organized and existing under the laws of the State of Kansas, having a principal place of business at 7113 West 135th Street, Suite 426, Overland Park, Kansas 66223, has designated its registered agent for purposes of service of process as Regina Sergiyenko, 5425 West 132nd Terrace, Leawood, Kansas 66209-3440, and is doing business in this judicial district and elsewhere in the United States.

JURISDICTION AND VENUE

5. This is an action for patent infringement arising under the provisions of the Patent Laws of the United States of America, Title 35, United States Code.

6. Subject-matter jurisdiction over TILLC's claims is conferred upon this Court by 28 U.S.C. §§ 1331 and 1338(a).

7. On information and belief, each defendant has solicited business in the State of Texas and this district, transacted business within the State of Texas and this district, and attempted to derive financial benefit from residents of the State of Texas and this district, including benefits directly related to the instant patent infringement cause of action set forth herein.

8. On information and belief, each defendant has placed its allegedly infringing products into the stream of commerce throughout the United States with the expectation that such products would be offered for sale, sold and/or used in this judicial district.

9. Each defendant is subject to personal jurisdiction in Texas and this judicial district, and is doing business in this judicial district.

10. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

PATENT INFRINGEMENT

11. On May 14, 1996, U.S. Patent No. 5,517,407 (“the ‘407 patent”), entitled “Device For Including Enhancing Information With Printed Information And Method For Electronic Searching Thereof”, a copy of which is attached hereto as Exhibit A, was duly and legally issued. TILLC is the owner by assignment of all right, title and interest in and to the ‘407 patent, including the right to sue for and recover all past, present and future damages for infringement of the ‘407 patent.

12. Upon information and belief, each defendant has in the past infringed and will continue to infringe, contribute to infringement, and/or induce infringement of the ‘407 patent by making, using, selling, offering to sell and/or importing, and/or causing others to use, sell and/or offer to sell, electronic books (commonly referred to as “e- readers”) that alone and/or in use are covered by at least one claim of the ‘407 patent. Each defendant is liable for infringement of the ‘407 patent pursuant to 35 U.S.C. § 271.

13. Each defendant’s acts of infringement have caused damage to TILLC, and TILLC is entitled to recover from defendants the damages sustained by TILLC as a result of each defendant’s wrongful acts in an amount subject to proof at trial.

14. As a consequence of the infringement complained of herein, TILLC has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless each defendant is enjoined by this Court from committing further acts of infringement.

PRAYER FOR RELIEF

WHEREFORE, TILLC prays for entry of judgment that:

- A.** Each defendant has infringed the '407 patent;
- B.** Each defendant account for and pay to TILLC all damages caused by its infringement of the '407 patent in accordance with 35 U.S.C. § 284;
- C.** TILLC be granted permanent injunctive relief pursuant to 35 U.S.C. § 283 enjoining each defendant and its respective officers, agents, servants, employees and those persons in active concert or participation with them from further acts of patent infringement;
- D.** TILLC be granted pre-judgment and post-judgment interest on the damages caused to it by reason of defendants' patent infringement complained of herein;
- E.** TILLC be granted its reasonable attorneys' fees;
- F.** Costs be awarded to TILLC; and,
- G.** TILLC be granted such other and further relief as the Court may deem just and proper under the circumstances.

DEMAND FOR JURY TRIAL

TILLC demands trial by jury on all claims and issues so triable.

Respectfully submitted,

Dated: December 23, 2010

By: /s/John T. Polasek

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